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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,872	02/17/2004	Michael J. Hulin	MH-2-am-mv	9505
7590	03/24/2006			
Jack Schwartz & Associates, 1350 Broadway, Suite 1510 New York, NY 10018-7702				
			EXAMINER PARSLEY, DAVID J	
			ART UNIT 3643	PAPER NUMBER
DATE MAILED: 03/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/779,872

Applicant(s)

HULIN, MICHAEL J.

Examiner

David J. Parsley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 12-70 is/are pending in the application.
- 4a) Of the above claim(s) 53-70 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 12-48 is/are allowed.
- 6) ☒ Claim(s) 49-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **Detailed Action**

### ***Amendment***

1. This office action is in response to applicant's amendment dated 1-27-06 and this action is non-final.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the spiral platform with cylindrical chute extending medially therethrough in claim 30 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 49-52 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No.

3,594,860 to Nelson et al.

Referring to claim 49, Nelson et al. discloses a dumping cage for discharging crated seafood product into a conk tank – at 50, comprising means for receiving the crated seafood product – at 28,46,48, means for displacing the crate – at 14,18,22, whereby the crate is up-ended to discharge the contents – see at 28 proximate 24 and 42 in figure 1, whereby the crate is up-ended to discharge the contents – see figure 1, and means for removing the crate from the receiving means – see at 14,20.

Referring to claim 50, Nelson et al. discloses a product delivery apparatus for conveying crated seafood product to a conk tank – at 50, comprising means for receiving the crated seafood product – at 28,46,48, and means for elevating the crated seafood product to the upper rim of the conk tank – at 50 – see at 14,20,22 in figure 1.

Referring to claim 51, Nelson et al. discloses a system for delivering raw crated seafood product and discharging the product into a conk tank – at 50, comprising a product delivery apparatus – at 14,18,20,22, and a dumping cage – at 24,28,30, for discharging the crated seafood into a conk tank – at 50 – see figure 1.

Referring to claim 52, Nelson et al. discloses a conk tank incorporating a means for circulating water under pressure – at 54,64, and a means for agitating contents of the tank – at 24,28 or – at 60,62 – see figure 1.

#### *Allowable Subject Matter*

4. Claims 1-9 and 12-48 are allowed.

#### *Response to Arguments*

5. Regarding claim 50, the Nelson et al. reference US 3594860 discloses means for receiving the crated seafood product – at 28,46,48, and means for elevating the crated seafood product to the upper rim of the conk tank – at 50 – see at 14,20,22 in figure 1.

Regarding claim 51, the Nelson et al. reference discloses a product delivery apparatus – at 14,18,20,22, and a dumping cage – at 24,28,30, for discharging the crated seafood into a conk tank – at 50 – see figure 1.


Regarding claim 52, the Nelson et al. reference discloses a conk tank incorporating a means for circulating water under pressure – at 54,64, and a means for agitating contents of the tank – at 24,28 or – at 60,62 – see figure 1.

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David Parsley  
Patent Examiner  
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